

RECEIVED
OCT 25 2000
1053

TECH CENTER 1600
PATENT

Attorney's Docket No. 5784-9



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shirley *et al.*
Appl. No.: 09/285,429
Filed: April 2, 1999
For: INJECTABLE FORMULATIONS CONTAINING SUCCINATE

Group Art Unit: 1653
Examiner: F. Moezie
October 18, 2000

Assistant Commissioner for Patents
Washington, DC 20231

**SUPPLEMENTAL RESPONSE TO RESTRICTION/
ELECTION REQUIREMENT**

This is in response to the Office Action dated September 18, 2000, in which the Examiner has requested Applicant to elect a species with respect to the invention elected July 17, 2000 in response to the Restriction/Election Requirement mailed May 12, 2000. In the July 17, 2000 communication, Applicant provisionally elected without traverse to prosecute the claims of Group I (Claims 1-10 and 13-14).

Applicant hereby elects the polypeptide insulin-like growth factor-I (IGF-I) as the species of pharmaceutically active agent. Claims 1-10 and 13-14 of the elected invention are readable thereon.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

In re: Shirley *et al.*
Appl. No.: 09/285,429
Filed: April 2, 1999
Page 2

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Leslie T. Henry
Leslie T. Henry
Registration No. 45,714

ALSTON & BIRD LLP
Post Office Drawer 34009
Charlotte, NC 28234
Tel Raleigh Office (919) 420-2200
Fax Raleigh Office (919) 420-2260

| | |
|--|--|
| <p>CERTIFICATION OF FACSIMILE TRANSMISSION</p> <p>I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. on the date shown below.</p> <p>(Type or print name of person signing certification.)</p> <hr/> <p>Signature _____ Date _____</p> | <p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, DC 20231, on October 18, 2000.</p> <p><i>Polly P. Burton</i> Polly P. Burton</p> |
|--|--|